undersigned so that Applicants can comply fully. Applicants have amended the substitute specification (enclosed) to reflect priority to both applications.

The Examiner has objected to the drawings for lack of colors, as referred to in the specification. Applicants have elected to delete the reference to the colors in the specification, rather than amend the drawings, as these colors and the Fig. 12 is not essential for a proper understanding of the invention. MPEP 608.02(d). They are merely illustrative of certain results which can be achieved with the invention. Again, the Examiner is requested to contact the undersigned if this amendment is not acceptable.

To overcome the objection to the specification regarding the line numbers, a new specification is submitted. The other informalities in the specification the Examiner noted have been corrected as well.

The Examiner has objected to the term "relaxation frequency" in the specification. This is a well-known term relating to the dielectric loss of a component. This is evidenced, for example, in US Patent No. 3,990,968, col. 2 (last lines) to col. 3:

> The determination of the relaxation frequency for particular material is, as noted, equivalent to the measurement of the dielectric loss factor. There are several commercially available measuring devices for making this measurement. One such device is the WTW multidecameter which employs a pair of oscillators, a mixer, and a variable capacitor, together with a display device such as a cathode ray tube for determining the dielectric loss factor. Another well known apparatus for making this measurement involves the use of a Schering bridge in which an oscillator is applied across the corners of a bridge circuit in which each arm consists of capacitive and resistance elements.
>
> The measurement of relaxation frequency has also been described in publications of which the following are representative:
>
> C. G. Montgomery, Technique of Microwave Measurements, New York 1947;
> F. H. Muller & C. Schmelzer, Ergebnisse der Exakten Wissenschaften, Vol. 25, 1951, page 359 et. seq.;
> F. Oehme, Dielektrische Messmethoden Verlag Chemie, 1962, pages 83 et. seq.;
> K. M. Oesterle, Fatipec, 1962, pages 334 to 349.

Regarding the objection to the symbol "ω" on page 6, the specification has been amended here to note that note "ω" is frequency. The symbol is defined on page 9, last lines, of the substitute specification: "**Fig. 8** is an illustration of the process particle fractionation by selection of frequency, ω ($\omega_R{}^1 < \omega < \omega_R{}^2$) from an initially random binary mixture of particles ..."

The objection to the term "the first plane" has been corrected. The Examiner has rejected a number of the claims for recitation of "relaxation frequency" due to its alleged lack of antecedent basis. Relaxation frequency is an inherent property of the particles referred to in these claims, and as such, it would not make sense in the claim to recite "a relaxation frequency" of the particles, in the same manner it would not make sense to recite "a weight" of the particles, "a density" of the particles, or any other property of the particles. As noted above, the term relaxation frequency is well-known and understood in the art, and does not require separate definition in the claims or specification.

The Examiner has rejected claim 26 for same invention type double patenting over US Patent No. 6,706,163. Claim 26 has been canceled.

The Examiner has rejected claims 1-27 for obviousness-type double patenting over claims 1-8, 10-11, 13-16, 18-19, 21-27 and 29 of US Patent No. 6,706,163. A terminal disclaimer is enclosed to overcome this rejection.

In conclusion, all rejections have been overcome, and allowance is respectfully requested.

Respectfully Submitted,

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Applicants) hereby petitions for any extension of time or for any other grounds needed to make this submission timely and proper. The Commissioner is hereby authorized to charge any fees due in connection with this submission and not otherwise covered by payment included herewith, or to credit any overpayment, to Deposit Account No. 502088.

I hereby certify that, on the date indicated below, this correspondence was sent by fax to the Commissioner for Patents, at (571) 273-8300.

By: _____ Date: